Employment Law Update and Review*
See Ohio’s Top Attorneys in Action

ERA’s annual Employment Law Update and Review is all about you. Staying abreast of the latest changes in employment law is critical to remaining the consummate HR professional. Your attendance demonstrates to all that you:

- Are serious about being a viable strategic business partner to your management team
- Stay on the cutting edge by evaluating your current practices against changes in the law
- Protect your career in areas where mistakes could be damaging or create personal liability
- Will be one step ahead of your less savvy competition and enjoy the confidence of being current, compliant, and competent
- Recognize the value of asking the super lawyers your own tough questions without their meters running

- Practice good stewardship by minimizing the likelihood of litigation

Reserve your seat now for the most important HR/legal event of the year!

Cincinnati
Wednesday, March 6
8:00 am—4:30 pm
*Location Change
TechSolve
6705 Steger Drive
Cincinnati, Ohio 45237

To Register...

Columbus
Tuesday, March 26
8:00 am—4:30 pm

To Register...

Special points of interest:

11  ERA Special Events
12  Documentation in Unemployment Claims
14  Affirmative Action / OFCCP Update
From the President

In addition to several HR and Safety roundtables, ERA offers its C-Suite members access to the advantage of regularly scheduled roundtables. These roundtables have been set up to provide an informal forum for the sharing of information, ideas, and experience among executives with similar responsibilities in ERA member organizations.

Presidents and CEOs are often the most isolated people in their organization. They have no internal peers, no one with whom they can be completely open, and no one who really knows and understands issues from their perspective.

Participants in ERA’s C-level roundtables take advantage of sharing information and knowledge about trends and issues impacting their businesses. They rely on each other’s counsel to make better-informed decisions, and roundtables can often be sounding boards for issues that CEOs and CFOs are not able to easily discuss with others. The benefit of access to an informal board of trusted advisors becomes an invaluable asset to roundtable participants.

Roundtables bring together participants from diverse organizations, all with different experiences and perspectives. As a result, the discussions create the opportunity to generate and review a wide range of potential solutions to business issues and problems.

ERA currently offers three CEO roundtables and one CFO roundtable.

If interested in joining either a CEO or CFO roundtable or have questions; please contact me by e-mail at jgraft@hrxperts.org or by phone at 513.679.4120.

In addition to the roundtables, ERA publishes a C-Level edition of the ERA Update. This monthly publication is sent via e-mail and is a digest of “News You Can Use” from a variety of sources including Harvard Business Review and The Economist. Please contact membership@hrxperts.org to subscribe.

Finally, ERA sponsors a series of C-Suite Briefings where expert speakers present topics that are timely and relevant to our C-level members. Stay tuned for an upcoming invitation for the next scheduled briefing.

Jennifer Graft, MBA, SPHR
Family Medical Leave Act Regulations

On March 8, 2013, two new key provisions of the FMLA will take effect. The two key changes impact military leave under the FMLA.

First, Qualifying Exigency Leave will now extend to eligible employees with a spouse, son, daughter or parent in any branch of the Armed Forces. This means an eligible employee can take leave to deal with urgent matters related to a service member’s deployment to a foreign country. Typically, exigencies involve financial, legal or child care issues as well as attendance at certain military events. Previously, Qualifying Exigency Leave was extended to eligible employees of family members in the National Guard and/or Reserves. Also, the amount of leave an eligible employee may take to spend with his or her covered family member during rest and recuperation leave has been extended from 5 to 15 days.

The second key change expands military caregiver leave to cover eligible employees who are the spouse, son, daughter or next of kin of a current service member and certain veterans, i.e., those requesting FMLA within 5 years of a service member’s discharge from service. Military caregiver leave entitles eligible employees to the special 26 week FMLA leave to provide care to a wounded soldier. In addition, the law also expanded serious injuries or illnesses to cover a condition that existed before the service member’s active military service provided that the condition was aggravated by service in the line of duty.

In addition to the two key changes to military leave, the DOL also modified and/or clarified other provisions of the FMLA, specifically:

- **Airline Flight Crew Members:** the service eligibility requirement will be reached if s/he has worked or been paid for not less than 60% of the applicable total monthly guarantee or has worked or been paid for not less than 504 hours during the previous 12 months.

- **Increment of Time to Track FMLA:** employers may continue to use the same increment of time used by the employer to measure other types of leave.

- **Updated Poster:** the changes also require employers to update their FMLA posters! Click here to order posters.

ERA members should update existing policies to comply with the changes. ERA also provides an updated template reflecting the changes. You may locate a copy of the template at www.hrxperts.org.

If you have questions regarding these changes or the FMLA generally, please contact an HR expert on the ERA Hot-line at 513.679.4120.
Survey Update

Here are the current survey deadlines:

**Non-Exempt Survey:**

Wednesday, March 13

**Exempt questionnaire will be mailed:**

Monday, March 18

The 2013 Non-Exempt Survey is still going strong!

You still have two weeks to submit your data if you haven’t done so. As a reminder, this survey covers all of the positions that used to be in our Office & Clerical and Production Surveys. Even if you only have one position to report, you’ll still get a copy of the completed survey.

Also look for the 2013 Exempt Survey, which is coming out on Monday, March 18. This survey comprises both the Professional & Supervisory Survey and the Engineering & Technical Survey.

Please contact the Survey Department if you are interested.

Please contact the Survey Department at 513.679.4120, toll free at 888.237.9554, or e-mail Doug Matthews at dmatthews@hrxperts.org if you have any questions about our survey processes or need assistance with completing your survey questionnaires.

The 2012-2013 National Sales Survey is now available!

The new National Sales Survey features data from 682 employers and almost 9,000 employees in 15 sales, support, and customer service positions. Data is broken down into a variety of salary, commission, and bonus structures for each position. All participants should have received their copies of the survey, and it is also available for purchase.

Doug Matthews, PHR
Leadership Skills for Group Leaders II

This program builds on the skills learned in "Group Leaders I". The focus of this program is improving communication with team members. The importance of influence is discussed and how communicating to influence greatly enhances outcomes. Modules on coaching for performance improvement and a look at delegating to get the job done rounds out this valuable program.

Learning Objectives:

- Improve communication and influence through an assertiveness self-assessment
- Overcome aggressiveness (active and passive) and submissiveness and communicate assertively
- Apply six-step technique to coach for improved performance
- Develop effective praising techniques and provide good feedback
- Effectively delegate to provide growth opportunities to team members

*Part two of the series

About your instructor...

Jerry Yingling, PHR, Learning & Development Consultant, leads this program. Jerry shares his knowledge and experience from a wide range of industries with participants.

CANCELLATION POLICY:

Substitutions may be made at any time prior to the first class session. No-shows or cancellations in writing within 2 full business days will be charged.
Human Resource Management I

This comprehensive 24-hour program provides an intensive overview of the key elements of the contemporary HR function. Participants are offered practical, usable ideas and suggestions for handling HR matters. The focus is on learning "what questions to ask" rather than trying to provide all the answers in the ever-changing, complicated HR field.

Learning Objectives:

- Identify and apply federal/state laws to your workplace rules and standards
- Master the employment process/employee relations/record-keeping requirements
- Comply with Equal Opportunity rulings
- Grasp compensation/benefits administration principles
- Improve communication and employee training.

About your instructor...

Dawn Hays, HR Learning & Development Consultant, leads this program. Dawn graduated summa cum laude from Youngstown State University and earned her law degree from the Ohio State University Moritz College of Law in 2001. Dawn was voted an Ohio Super Lawyer Rising Star in the 2005-2012 editions of Law & Policies Magazine.

CANCELLATION POLICY:
Substitutions may be made at any time prior to the first class session. No-shows or cancellations in writing within 2 full business days will be charged.
New Members

Atlantic Sign Company is located in Cincinnati, Ohio. Mr. CJ McDonald is the Vice President of Operations.

BridgePointe Psychological & Counseling is located in Cincinnati, Ohio. Mr. John Getgey is the Vice President.

Campbell County Fiscal Court is located in Newport, Kentucky. Mr. Robert Horine is the County Administrator.

CBIZ Benefits & Insurance Services is located in Dublin, Ohio. Mr. Chris Ward is the President.

Clippard Instrument Laboratory, Inc. is located in Cincinnati, Ohio. Mr. William Clippard, III is the CEO.

First Transit, Inc. is located in Cincinnati, Ohio. Ms. Gina Stough is the Director.

Gilligan Funeral Home is located in Cincinnati, Ohio. Mr. Harry Gilligan is the President.

Insight Bank is located in Worthington, Ohio. Mr. Harvey Glick is the President and CEO.

LaineGabriel is located in Powell, Ohio. Ms. Lisa Laine Miller is the Principal.

Marcy Funeral Home is located in Conneaut, Ohio. Ms. Kori Marcy Campbell is the Vice President.

OrthoNeuro is located in Westerville, Ohio. Mr. Don Jansen is the CEO.

The Outlook Group is located in Franklin, Ohio. Mr. Tyler Anderson is the CEO.

Routsong Funeral Home, Inc. is located in Kettering, Ohio. Mr. Thomas A. Routsong is the President.

Square One Salon and Spa is located in Dayton, Ohio. Mr. Doug Henderson is the President.

Wegman Company is located in Cincinnati, Ohio. Mr. Scott Wegman is the President.

New Posters Available Now

Recent changes in Ohio and federal laws mean that our members need new postings. The Ohio minimum wage increased to $7.85 effective January 1, so all Ohio employers must change their state poster. Also, all employers need a new FMLA poster as it was revised several weeks ago. Our federal combination poster was revised to include that change. We now have a stock of both combination posters available and will attend to our members’ orders as received. To order, click here.
Welcome, new members to ERA—

Thank you for your membership!

Clippard Instrument Laboratory, Inc. is a global leader and pioneer in the miniature fluid power industry. They were founded by William Leonard Clippard, Jr. in 1941. Clippard Instrument Laboratory is dedicated to provide quality products and solutions.

Visit their Website

Routsong Funeral Home was founded in 1918 and has grown to their present size through adherence to their principles, which are to present the options available to families, and to faithfully fulfill their wishes with conscientious service. They are a caring Christian family, and their desire is to continue serving Dayton area families in their time of need, as they have for over 80 years. They are in their third generation of running Routsong Funeral Home.

Visit their Website

First Transit has over fifty years of experience across North America. Their customers include transit agencies such as Los Angeles and Houston; universities such as Texas State and Princeton; and state transportation departments, such as Illinois and Connecticut. As part of FirstGroup, the world’s leading transportation corporation, safety underpins everything they do.

The Marcy family, serving Conneaut families with their funeral needs since 1868, maintains their tradition of personal service with individual attention to every family. Their staff consistently demonstrates the genuine care and concern that has become their hallmark.

Wegman Company has successfully assisted many Fortune 500 corporations, design firms, dealers and manufacturers in solving complex relocation and facility management problems in the Midwest and throughout the nation. They bring the same attention to detail and depth of experience to jobs which may require the reconfiguration of several workstations or installations of fine furniture into an executive office.

Visit their Website

LaineGabriel, a female-owned, central Ohio marketing design firm, specializes in creative partnerships. The principals, Lisa Laine Miller and James Gabriel Brown merged their advertising agency, design firm and corporate marketing experience into a single firm. LaineGabriel builds brands and designs award-winning marketing materials for companies across the country.

Visit their Website
Measuring Employee Engagement

In this era of doing more with less, it pays for companies to invest in ideas that help motivate your employees. In January, Dr. Bob Nelson delivered dynamic presentations at ERA designed to help our members do just that. He called this measure of employee effort “Engagement,” a common topic in strategic Human Resource discussions.

It’s no secret that the higher your employee engagement, the more motivated they are to do their best, and Dr. Bob found that the #1 predictor of engagement is the relationship an employee has with his or her supervisor. Other indicators are the degree of company support and employee involvement, flexible working hours, opportunities to learn and develop, and the availability and accessibility of management.

The results can be tremendous. The higher an organization’s employee engagement, the more likely they will experience a host of positive results, including:

- Higher productivity
- Higher employee morale
- Higher job satisfaction
- Higher organizational creativity
- Higher retention
- Better customer service

Dr. Nelson gave our members great ideas for motivating employees through rewards, mostly interpersonal and non-monetary, including:

- Public recognition
- Peer recognition
- The freedom to make and learn from mistakes

(You can literally find over a thousand ideas in Dr. Nelson’s book – 1501 Ways to Reward Employees.) To purchase a copy of the book, click here.

How do you know to what extent your engagement efforts are working? One excellent tool at your disposal is an Employee Engagement Survey (EES). A survey, best if conducted by an objective third party, can assure your employees of confidentiality, which give you more open feedback, can give you tangible, measurable data points that tell you how your company is doing in a variety of engagement factors. ERA conducts Employee Engagement Surveys. If your company elect’s to use ERA’s standard EES you will have national and region comparative data.

As an added bonus, after the first survey, your organization’s results may serve as a benchmark for measuring future survey results. An EES is a tool that will help your organization to do the following:

- To understand whether and where disengagement problems exist
- To identify potential solutions
- To take action (ensure that your employees have the tools, resources and support needed to be successful)
- Follow up (repeat the EES to see if there have been any improvements)

Remember, pockets of disengagement can have a significant effect on organizational effectiveness, productivity and profitability. An EES will help you to identify and address any disengagement problems—both company-wide and isolated.

If you’re interested, talk to an ERA representative about conducting an Employee Engagement Survey. Contact Carol Reubel at creubel@hrxperts.org in Cincinnati or Lori Hall at lhall@hrxperts.org in Columbus.

Click here for more information.
The Occupational Safety and Health Administration (OSHA) issued voluntary safety and health program management guidelines in 1989 to encourage employers to do more to protect their employees.

Compliance with the law and OSHA standards is an important objective. An effective safety and health management system, however, is tailored to a particular site’s individual needs. It looks beyond specific legal requirements to identify and analyze existing hazards. It seeks to prevent injuries and illnesses, even when compliance is not at issue. The guidelines – a combination of successfully applied safety and health management practices – are supported by safety and health professionals and consultants representing corporations, professional associations and labor unions. They have stood the test of time; they work!

The guidelines call for the systematic identification, evaluation and prevention or control of general workplace hazards and the hazards of specific jobs and tasks.

Safety and health systems may be written or oral. As the size of a worksite or the complexity of a hazardous operation increases, the need for written guidance increases in order to ensure consistent and fair application of rules and clear communication of policies and priorities. Ultimately, the system’s effectiveness in practice is what is important.

Major elements of an effective occupational safety and health management system include:

Management Commitment and Employee Involvement, which calls for:

- A clearly-stated worksite policy on safety and working conditions so that all personnel at the site or working for the site understand the priority of safety and health protection.
- A clear goal for the safety and health management system and objectives for meeting that goal so that all members of the organization understand the results desired and the measures needed to achieve them.
- Top management involvement in implementing the system to demonstrate management’s commitment.
- Employee involvement in the structure and operation of the system and in decisions that affect their safety and health.
- Assignment of responsibilities for all aspects of the management system, so that managers, supervisors, and employees in all parts of the organization know what they need to do.
- Provision of adequate authority and resources so that everyone can meet their assigned responsibilities.
- Holding everyone at the site—managers, supervisors and employees—accountable for meeting their responsibilities.
- Annual reviews of the system’s operations to evaluate success in meeting the goals and objectives, so that deficiencies can be identified and the program and/or the objectives can be revised as needed.

Worksite Analysis, including:

- Identification of all hazards by initially conducting comprehensive worksite surveys for safety and health, and then periodic updates/surveys.

(Continued on Page 13)
Columbus Training

Employment Law Update and Review will take place on Tuesday, March 26
8:30 am—4:30 pm

Human Resource Management I will take place on Wednesdays, March 20, 27, April 3 & 10
8:30 am—3:00 pm

Affirmative Action Planning Requirements will take place on Tuesday, March 26
8:30 pm—5:00 pm

Cincinnati Training

Employment Law Update and Review will take place on Wednesday, March 6
8:30 am—4:30 pm

FMLA Essentials will take place on Thursdays, March 14 & 21
8:30 am—11:30 am

Leadership Skills for Group Leaders II will take place on Wednesdays, March 20 & 27
8:15 am—3:45 pm

Affirmative Action Planning Requirements will take place on Wednesday, March 20
8:30 am—5:00 pm

Delivering Performance Appraisals and Feedback will take place on Thursday, March 21
8:30 am—3:00 pm

Exceptional Customer Service will take place on Wednesday, March 27
8:30 am—3:00 pm

To register for classes, e-mail training@hrxperts.org or call 888.237.9554.

ERA Special Events

ERA Member Orientation

"Maximize Your Membership Investment"

Save the Date... Employers Resource Association invites all Members to our next Member Orientation event.

Attendees will be introduced to their ERA team, Board Members, and the range of expertise and services that our team has to offer. Also, learn about our Partnered Services and the services they provide.

ERA Cincinnati Office:
Friday, March 22nd
10:00 am to 11:30 am
No Fee to Attend
To Register...

Legal Breakfast Briefing

"Update on Sexual Harassment"

David Skidmore
Frost, Brown, Todd, LLC

Tuesday, March 19
8:30 am—9:30 am
ERA Cincinnati Office
Member Fee: $25.00
Non-Member Fee: $35.00
To Register...

ERA Staff Announcement

ERA is pleased to announce the hiring of Jessica Parsons as Manager, Membership Development. Jessica is responsible for the administration and coordination of new membership growth and retention for Central Ohio. Her professional career includes extensive business development, sales and marketing experience in the proprietary education, payroll/HR Administration and radio advertising industries.

She specializes in working with all types and sizes of businesses to provide comprehensive strategies and consultative solutions to their greatest areas of opportunity. Jessica received her Bachelor of Humanities Degree in Communications from Penn State University.

Jessica Parsons
The Importance of Documentation in an Unemployment Claim

When dealing with an unemployment claim it is important that you learn to record facts rather than conclusions. For example, you should record that a worker’s speech was slurred and that he or she fell against the wall, rather than just record your conclusion that they were intoxicated. Incidentally, the best way to establish that a worker was under the influence is a blood or urine test which can be used to fight an unemployment claim.

Don’t be tempted into recording conclusions just because it is easier. For example, it is necessary to record that a worker was absent due to illness on April 24th and then absent again on April 28th due to child care problems and then again on May 3rd due to car troubles. It is not sufficient to simply write that the worker was excessively absent... Be as specific as you can!

You should try to avoid using words and phrases such as “bad attitude”. Instead your documentation should describe what happened to cause you to reach the conclusion that someone had a bad attitude. For example, if a worker slammed the cabinet doors so hard that one of the hinges came off, you should document that incident in as much detail as possible.

Your documentation should be specific enough to allow all readers to form the same mental picture of the incident you are recording. If you were recording that a worker was discharged due to “misconduct on the floor,” three readers of your documentation would likely have three different mental pictures of the final incident. If on the other hand, you were to record that the worker struck his supervisor over the left shoulder with a beef tongue (this really happened by the way), then everyone would be able to picture this incident in a similar fashion.

Article submitted by The Matrix Companies, an ERA Partnered Service. For more information, contact Ken Kruse at kkruse@matrixtpa.com or 513.351.1222.
(Continued from Page 10 "Safety Spotlight")

- Analyses of planned and new facilities, processes, materials and equipment.
- Analysis of hazards associated with jobs, processes and/or phases of work.
- Regular site safety and health inspections to identify new or previously missed hazards and failures in hazard controls.
- A reliable system to encourage employees, without fear of reprisal, to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses.
- Investigation of accidents and "near miss" incidents to determine their causes and to create prevention strategies.
- Analysis, if possible, of injury and illness trends over extended periods to identify patterns and prevent problems.

Hazard Prevention and Control, calling for:

- Elimination or control of all hazards in a timely manner. OSHA encourages adoption of the following measures: engineering controls, the most reliable and effective; administrative controls that limit exposure to hazards by adjusting the work schedule; work practice controls; and personal protective equipment.
- Systems adapted to meet each workplace’s particular characteristics.
- Planning and preparing for emergencies and conducting emergency training and drills.
- A medical program that includes first aid and emergency medical care.

Safety and Health Training, which will:

- Ensure that all employees, including contract workers, understand the hazards to which they may be exposed and how to prevent harm to themselves and others.
- Ensure that supervisors and managers understand their responsibilities and the reasons for them so that they can carry out their roles effectively.
- Ensure periodic refresher training for all employees.
- Establish a medical program for first aid and emergency medical care.

Article provided by CareWorks, an ERA Partnered Service.
Affirmative Action/OFCCP Update

New Directive from the OFCCP Effective Immediately.

The OFCCP issued a directive on January 29, 2013, effective immediately, which follows the EEOC guidance on criminal records and hiring practices issued on April 25, 2012. The OFCCP directive echoes the EEOC’s concerns on disparate treatment and adverse impact against minority job applicants due to arrest or conviction records. In addition to endorsing the EEOC best practices regarding criminal conduct exclusions, the OFCCP adds 5 additional directives that obligate both contractors and agencies that post job openings. The directive includes notice requirements regarding criminal record exclusions and also obligates agencies that post job openings such as One-Stop Career centers to contact employers with blanket criminal conviction exclusions in job postings and provide a standard notice to possible applicants.

There is no reference in the new directive addressing the conflict for contractors prohibited from employing individuals with criminal convictions based upon contract mandates by other government agencies such as the Department of Defense. Click here to go to OFCCP website and full text.

Revisions to Veteran and Section 503 Disabled Affirmative Action Obligations

Speculation is circulating that the revisions to the Veterans and Section 503 Disabled Affirmative Action Plans will be issued in April 2013. The rule changes originally published for Veterans and the Disabled includes numeric placement goals and formal linkage agreements for veteran and disabled referrals, annual evaluation of outreach, mandatory training and additional record-keeping requirements. The proposed regulations for Veterans can be found by clicking here.

For the notice of proposed rulemaking regarding Section 503 (Disabled plan) click here. The comment period for both notices of proposed rulemaking has closed. At this point we do not know what will be included in the final rules.

New Census Data Available

The data from the 2010 census is now available on the Census website, click here. Changes include: census occupation codes have 4 digits rather than 3; approximately 80% of the census oc-
Occupation codes are an exact match to 2000 codes and the remaining 20% are new codes and codes that have been split or combined.

Geographic areas have changed based upon changes in the population. Some local changes include the addition of three new counties in the Cincinnati MSA and two new counties in the Columbus MSA while the Cleveland MSA has lost a county and the former Dayton/Springfield MSA has been split into two geographic areas.

**Additional OFCCP News**

The OFCCP has announced that it intends to review Sex Discrimination guidelines that haven’t been updated in more than 30 years. The OFCCP plans to “create sex discrimination regulations that reflect the current state of the law in this area” and reflect the increased “participation in the labor force” of women according to the news release.

The OFCCP has announced it will issue proposed rules revising the regulations governing federal constructions contractors by October 2013. The placement goals are viewed as “outdated” so will likely be impacted by revisions. OFCCP has stated that these rules would “enhance the effectiveness of the affirmative action programs of construction contractors” and providing “contractors increased flexibility to assess their workforce to determine whether disparities in the utilization of women or the utilization of a particular racial or ethnic group in an on-site construction job group exists.”

We will continue to provide updates as the OFCCP moves forward on announced initiatives and proposed rule revisions.

If you have questions or need assistance, please contact either Carol Reubel at creubel@hrxperts.org or Carolyn Potter at cpotter@hrxperts.org in the Cincinnati office at 513.679.4120, or Lori Hall at lhall@hrxperts.org in Columbus at 614.538.9510.
Do you need more information about a service or program offered by ERA?
Would you like to talk to one of our experts in a particular specialty?
Here’s a list of some of our most popular services, and the main contact person for each of them.

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Register For Training Today! See Page 11 For Upcoming Classes.